HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.87 OF 2004.

Ishwar Damu Kamble ...Petitioner.

V/s.

Vijay Haribhau Phalke & Anr. ...Respondents.

Shri Kuldeep Patil i/b Deepak Girme, for petitioner.

Shri A.S.Gadkari, APP for State.

CORAM: A.M.KHANWILKAR,J
DATE : APRIL 13, 2005

P.C. :-

1. Decision which is in question in this Revision Application which is passed by the Judicial Magistrate, First Class, Link, Court No.7, Pune. It was open to the petitioner to prefer a revision application before the Sessions Court in the first place. Without exhausting that remedy, the petitioner has directly come to this court.

2. In the circumstances, this application is disposed of, with liberty to the petitioner to approach the Sessions court. In the event the petitioner takes out appropriate application before the Sessions Court within two weeks, it is expected that the Sessions court will not dismiss the same on the ground of delay

because the present application was filed by the petitioner in this court on 5th March, 2004 which is within limitation. Proposed application be filed within two weeks. All questions on merit are left open.